

REMARKS

Upon entry of this amendment, Claims 1, 9 and 11 will be amended. Claims 1-4 and 7-13 remain pending in the application, with Claims 1, 7, 9 and 11 being independent claims. Claims 1-4, 9 and 10 are again rejected under 35 U.S.C. § 102(e) as being anticipated by Masaki (U.S. Patent No. 6,616,328 B1). Claims 11-13 are again rejected under 35 U.S.C. § 102(b) as being anticipated by Kawaguchi (U.S. Patent No. 5,016,231). Claims 7 and 8 remain allowed.

Entry of this Amendment is proper under 37 C.F.R. § 116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues that would require further consideration and/or search as the amendments and arguments presented merely amplify issues previously discussed throughout prosecution; and (c) place the application in better form for an appeal, should an appeal be necessary. Applicant respectfully requests entry of the Amendment.

Independent Claims 1, 9 and 11 have been amended to recite, in part, that the terminal performs mobile communication functions. Masaki and Kawaguchi both describe timepieces that have functions exclusively associated with time, and nowhere teach or reasonably suggest performing mobile communication functions.

Accordingly, amended independent Claims 1, 9 and 11 are allowable over Masaki and/or Kawaguchi.

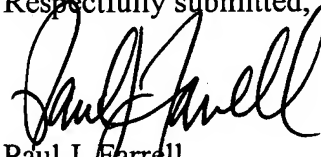
While not conceding the patentability of the dependent claims, *per se*, Claims 2-4, 10, 12 and 13 are also allowable for at least the above reasons.

Applicant respectfully submits that the proposed amendments made herein properly respond to the outstanding Final Rejection and represent a *bona fide* effort to satisfactorily conclude the prosecution of this application. Care has been exercised to insure that no new

matter has been introduced and that no new issues have been raised that would require further consideration or search. It is felt that no inordinate amount of time will be required on the part of the Examiner to review and consider this amendment. In the event that the application is not allowed, it is requested that this amendment be entered for purposes of appeal.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4 and 7-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/TCS/dr